

Committee on Government Reform
The Impact of Illegal Immigration on State, County and Local Governments

Sheriff Bill Kolender, San Diego County
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Mr. Chairman, good morning and thank you for giving me the opportunity to appear before this Committee and provide testimony regarding the specific impact of illegal immigration on local law enforcement.

As the Chief Law Enforcement Officer for San Diego County, and with nearly 50 years of law enforcement experience, I know firsthand that illegal immigration has plagued local law enforcement in our County for decades.

Although many illegal border crossers enter our country in search of employment, some of them do commit crimes in the County and end up in our jails. The costs of staff hours, equipment and administrative work associated with the detention and/or arrest of undocumented foreign-born citizens is difficult to approximate, but the figures are in the millions.

Without full-time immigration staffing in our jails, we don't know the true impact that illegal immigration has on our County. Currently, jail personnel notify immigration officials of all persons who are booked in jail who claim non-US citizenship or who are foreign-born. Their fingerprints are then compared against a Federal database to help determine immigration status.

Immigration authorities place holds on individuals suspected of being here illegally, and the jails coordinate their release to immigration officials when their local case has been concluded. That process has been carried out successfully more than 4,400 times in the last 12 months.

An interesting statistic, however, shows that over an 18-month period, 25 percent of individuals deported after incarceration not only re-entered the country, but re-entered our jails at least once, some as many as five times. It is important, therefore, to recognize that as long as the border remains porous, efforts like ours will have limited results.

San Diego's law enforcement officers do not arbitrarily stop individuals solely on suspicion of immigration status while patrolling the streets of our County. There must be reasonable suspicion of criminal activity. If there is no probable cause to arrest the subject, the officer will complete a field interview report and release the individual. However, if, in the course of an investigation, the officer or deputy sheriff determines that the subject's immigration status is in question, the Border Patrol will be notified and asked to respond. If the Border Patrol can respond in a reasonable amount of time, the law enforcement officer will remain with the subject until their arrival. At that time, the officer will relinquish control of the subject to the Border Patrol.

In preparation for today's hearing, I contacted all the police chiefs in this County, as well as my patrol station commanders, for their input concerning the impact of illegal immigration on their Departments and command areas. Their responses were similar and addressed a common theme:

Illegal immigration impacts the delivery of law enforcement services in this County, affecting calls for service, the crime rate, and our budgets.

Some of the more commonly reported crimes include:

Auto Theft: Cars are stolen and used for transportation. Most illegal immigrants arrive in this country without transportation and without the means to purchase a vehicle.

Public drunkenness: This is common throughout the county and sometimes leads to calls for disturbing the peace.

Domestic violence: Many illegal immigrants come from countries where violence against women is accepted or at least tolerated. Some bring this attitude and behavior to the United States.

Robbery: Illegal immigrants commit robberies, but they are also victims since they normally carry only cash.

Traffic offenses: Drunk driving and hit and run accidents frequently involve unlicensed drivers and many of these drivers are illegal immigrants.

Recently, during a law enforcement operation in North County, over one hundred vehicles were towed for a variety of vehicle code violations and the vast majorities were driven by those believed to be illegal immigrants.

Frequent calls for service involve loitering and suspicious activity, most of which are the result of illegal immigrants congregating in large numbers.

Day laborers and their encampments also impact law enforcement. Residents who fear crime and resent the perceived devaluation of their property oftentimes call our department. Aggressive solicitation for work, drinking in public and day laborers using public parking lots as restrooms are among other calls we receive. Many encampments are remotely located and contacting people living in these camps requires a multiple officer response.

The day laborer problems in the City of Vista were so severe that the City Council recently enacted an ordinance to deal with the issues.

Gang activity among illegal immigrants is also a big problem. According to my Gang Enforcement Unit, nearly 25-40% of local gangs are comprised of illegal immigrants. In North County, nearly 80% of the gang-related crimes involve illegal immigrants, either as the suspect or the victim.

Significant financial resources in dealing with protests and counter-protests related to illegal immigration have also impacted law enforcement in this County. In 2005, my Department alone spent over \$489,000 to provide a presence at the various anti-immigration demonstrations.

The majority of the border between San Diego County and Mexico lies within the Sheriff's Rural Law Enforcement Command. Much of the illegal immigrant and narcotic smuggling comes into this area through Mexico and many of the dealers or end users are illegal immigrants. Residential and vehicle thefts in this area can be attributed to either illegal immigrants themselves or the smugglers guiding them across the border.

Often, illegal immigrants "work off" a portion of their payment for being smuggled into the U.S. by

carrying narcotics.

We estimate that as much as 50% of the crime that occurs in the communities immediately adjacent to the U.S.– Mexico border (such as Campo, Boulevard and Jacumba) is committed by illegal immigrants.

The Rural Command does not have 24-hour staffing. Resident Deputies are called out from their homes for 9-1-1 prowler calls occurring during the late night and early morning hours. These calls require that two deputies respond, and more often than not, illegal immigrants crossing through the area are the culprits.

Both Border Patrol and Customs routinely turn over illegal immigrants to the Sheriff's Department that are found to have outstanding warrants from their prior visit in the United States.

Illegal immigrants sometimes become victims of crimes. They are robbed, assaulted, kidnapped and held for payment by family members, raped and murdered. We've seen cases of false reporting of crimes where illegal immigrants claim to be crime victims, so they won't be immediately deported.

The Sheriff's Department frequently receives calls to rescue illegal immigrants who are suffering from exposure to extreme heat or cold. Many times they lack water, are injured, or suffer from fatigue.

Another recent example of the strain that illegal immigration places on law enforcement and firefighters was the Horse Fire that burned nearly 17,000 acres and is estimated to have cost nearly \$7 million to fight, not to mention the 23 firefighters who were injured and citizens who were evacuated and displaced for a period of time. The fire required Sheriff's resources for a full week, staffing at our Emergency Operations Center, and as many as 75 deputies were committed in the field for possible evacuation of homes.

As Congress and the President wrestle with these difficult issues, it is important that national policy reflect a clear understanding of the enormous challenges that local law enforcement face in dealing with illegal immigration.

As Governor Schwarzenegger of California has stated, "national security is the responsibility of the federal government and should not be passed off to state and local governments."

Thank you Mr. Chairman.